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Attorneys for Defendant Educational Credit
Management Corporation

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

In re

MARK EDWARD BERRY
VALERIE JOAN BERRY,

Debtors.

Bankruptcy No. 13-37862-rld7

Adversary Case No: 14-03024-rld

MARK EDWARD BERRY
VALERIE JOAN BERRY,

Plaintiffs,

v.

EDUCATIONAL CREDIT MANAGEMENT
CORPORATION; U.S. DEPARTMENT OF
EDUCATION,

Defendants.

**DEFENDANT ECMC'S OBJECTION
TO ADMISSION OF PLAINTIFFS'
TRIAL EXHIBIT Q**

Defendant Educational Credit Management Corporation respectfully objects to the admission at trial of Plaintiffs' Exhibit Q ("Medical Expenses for the last 15 months").

This document is hearsay because it is being offered by Plaintiffs for the truth of the matters therein asserted. Exhibit Q is thus inadmissible under Fed. R. Evid. 802. Exhibit Q appears to be a list of purported medical expenses incurred by Mark and/or Valerie Berry on a spreadsheet created

by Plaintiffs. The spreadsheet lists dates, amounts, and provider and/or pharmacy name for each line item. However, Plaintiffs have not provided any authenticating documents through discovery, despite a request for documents, which support their contention that these medical expenses were actually billed to or paid by Plaintiffs. Additionally, Plaintiffs have failed to provide, despite a request for documents, any information relating to the amount of medical insurance coverage available to either plaintiff.

Although Defendant ECMC will stipulate to the admission of the remaining exhibits propounded by Plaintiffs to save time, Exhibit Q is inadmissible hearsay and additionally cannot be properly authenticated given Plaintiffs' discovery violations. Defendant ECMC respectfully requests that Exhibit Q therefore be excluded from trial.

DATED April 10, 2015.

GARVEY SCHUBERT BARER

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CERTIFICATE OF SERVICE

I, Eryn Karpinski Hoerster, hereby certify on April 10, 2015, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which, pursuant to Local Rule 5005-1(c)(1), causes parties who are registered ECF participants to be served by electronic means. I also served a copy of the foregoing document via U.S. Mail on:

Mark and Valerie Berry
1502 N.W. Studebaker Drive
Prineville, OR 97754

Dated this 10th day of April, 2015, at Portland, OR.

GARVEY SCHUBERT BARER

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